

CHAPTER 126 EVALUATE A FOREIGN OPERATOR OPERATING U.S. REGISTERED AIRCRAFT

SECTION 1 BACKGROUND

1. PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES.

A. Maintenance: 3302/3312

B. Avionics: 5302/5312

3. OBJECTIVE. This chapter provides guidance for evaluating a maintenance program and a Minimum Equipment List (MEL) for a foreign operator of U.S.-registered aircraft.

5. GENERAL.

A. Definitions.

(1) *Assigned Aviation Safety Inspector (ASI).* The ASI assigned compliance responsibility for maintenance programs approved under Title 14 of the Code of Federal Regulations (14 CFR) part 129, § 129.14.

(2) *Expository manual.* A manual system, representative manual, or specific portions of manuals that identify the approved maintenance program.

B. Applicable Operations. Any operation of U.S.-registered aircraft engaged in common carriage by a foreign air carrier/person is subject to the MEL and maintenance program requirements found in § 129.14. This includes arrangements in which a manufacturer supplies an interim delivery U.S.-registered aircraft.

7. MAINTENANCE PROGRAM REQUIREMENTS.

The requirement for the operator to have a maintenance program approved by the FAA ensures that the operator's U.S.-registered aircraft will be maintained in an airworthy condition and in accordance with a program approved by the Administrator. Refer to Advisory Circular (AC) 129-4, Maintenance Programs for U.S. Registered Aircraft Under FAR Part 129, as amended, for guidance on what an acceptable maintenance program consists of, and for a complete discussion of how the requirements of International Civil Aviation Organization (ICAO) Annex 6 apply to U.S.-registered aircraft operating under part 129. The ICAO standards are adopted as the basis for the

FAA-approved maintenance programs. This applies to all operators including those operators who may not be ICAO members. The maintenance program must also meet the minimum requirements of the regulations.

A. Identifying the Relevant Section. Section 129.14(a) establishes the requirements for approved maintenance and administration functions, while 14 CFR part 43 provides the performance standards for the maintenance function.

B. Approving the Maintenance Program. The evaluation of the aircraft maintenance programs, when practicable, should be a joint maintenance and avionics effort.

(1) The operator's manual system will consist of two tiers that will require specific approval. The first tier describes the maintenance program that falls under part 129 and that meets the standards specified by ICAO Annex 6 concerning the operator's maintenance organization, administration, and control procedures as they apply to maintenance of U.S.-registered aircraft. The second tier describes the aircraft program for each make and model of U.S.-registered aircraft operated by the part 129 operator.

(2) Those parts of the operator's manual system that prescribe the maintenance programs must be identified in order to support the approval document. This is one of the most complex areas in the maintenance program approval process. The ASI's literature may vary greatly according to the size of the operator. Therefore, choice of what material must be included or referenced as the approved program will have to be resolved on a case-by-case basis for each operator.

(a) If the operator's manuals are written or arranged in such a manner that the pertinent parts cannot be readily separated, the operator's entire manual system may be referenced in the approval document. In other cases, the operator may have a single manual, sometimes approved by the Foreign Civil Aviation Authority (FCAA), that identifies all of the essential elements, but references other supportive manuals; or

the operator's manual system may be arranged in such a way that specific chapters may be extracted and identified individually.

(b) The ASI should require the operator to develop additional procedures to support the ICAO standards or to meet unique regulation requirements if these are missing from the operator's existing program. Therefore, the "expository manual" must be determined at the assigned ASI's discretion based on the circumstances that are found. This determination must also take into consideration the method of revision control that will be employed to keep the approved programs current.

(3) The operator's mechanism for adjustment of aircraft maintenance programs will require thorough analysis. Its application to U.S.-registered aircraft must be well defined in the operator's program. AC 129-4, as amended, does not require a separate, approved reliability document. If the operator uses reliability control to adjust its maintenance program, the system should be described in its manual with pertinent pages identified as part of the approved program. It is imperative that the approved program ensures FAA access to reliability (and/or analytical) data to facilitate FAA surveillance.

(4) If the operator uses short term escalation, this must be described in the expository manual as part of the approved maintenance program.

(5) The operator's expository manual may reference other approved documents that address specific tasks (i.e., an engine manufacturer's manual). The expository manual and significant referenced material that make up the approved program (under part 129) must be written in the English language. Secondary material can be in the local language if interpretation is available.

C. Revision Control.

(1) The assigned ASI and the foreign operator must agree on a system of revision control. This system of revision control must be part of the maintenance program document.

(2) Any operator changes to the approved maintenance program must be approved. However, if the revisions are approved by the operator's FCAA, which abides by the rules of ICAO, and the revisions are not contrary to the regulations, then the assigned ASI may choose to accept the maintenance program revision on that approval basis.

(3) Some changes will require prior FAA approval regardless of whether the FCAA approves them. Since this is an area of ASI's judgment, there cannot be a list of rules.

(a) Items that need prior FAA approval must be decided upon on a case-by-case basis. The following are some examples:

- AC 129-4, as amended, provides that "C" and "D" check intervals as well as significant changes to their content should require prior approval.
- The assigned ASI may determine that other significant or basic elements of the operator's aircraft maintenance program cannot be revised without prior approval.
- Prior approval may also be required for changes to basic elements within the part 129 maintenance administration program.
- Some operators may have a reliability program that permits adjustment to their aircraft maintenance program without further approval from their FCAA. Any revision to the operator's manual that changes the administrative procedures controlling this type of program should require prior approval. Conversely, if the FCAA directly approves each change to the operator's aircraft maintenance program that is generated by the operator's reliability program, changes to the administrative procedures need not require prior FAA approval.

(b) There may be several similar examples; however, in any event, the ASI should coordinate with the FCAA.

(4) The maintenance program should establish a timeframe within which to notify the FAA of any revision to the approved program. A copy of the revision must be sent to the flight standards district office (FSDO) responsible for maintaining the maintenance program.

D. Standards for Recordkeeping. Maintenance records requirements are governed by ICAO Annex 6, Part 1, and should be included in the maintenance program under part 129. The maintenance records requirements of 14 CFR part 91, § § 91.417 and 91.419 were negated by Amendment 91-201 and ICAO standard 8.8 now governs the part 129 operator's records requirements.

E. Aircraft Maintenance. The aircraft must be maintained by persons authorized under 14 CFR part 43, § 43.3.

NOTE: Section 43.13 is amended to accept the methods, procedures, and practices prescribed by a maintenance program approved under part 129. This allows for the Maintenance

Release certification stated in ICAO Annex 6 standard 11.4.

F. Program Adoption. A previously approved aircraft maintenance program adoption follows the guidelines found in AC 129-4, as applicable.

9. OBTAINING MEL APPROVAL. Each foreign air carrier may obtain approval for an MEL under § 129.14. MEL's are approved by Letter of Authorization (LOA), not by operations specifications, and a copy of the letter must be carried aboard the aircraft.

A. Each foreign operator may develop its own MEL based on the Master Minimum Equipment List (MMEL) approved by the FAA for the specific aircraft type.

B. In seeking approval of an MEL, the foreign operator must show that the procedures in its maintenance program are adequate to support the use of its MEL.

C. A foreign operator leasing a U.S.-registered aircraft from a U.S. air carrier may opt to use an approved MEL in accordance with the U.S. air carrier's approved MEL, subject to FAA approval of each arrangement.

11. MAINTENANCE PROGRAM AND MEL APPROVALS.

A. The responsibility for approving maintenance programs and MEL's for U.S.-registered aircraft is delegated to certain regions and specific district offices. Any office receiving an application from a foreign air carrier must forward it to the appropriate regional office.

B. The operator's FCAA should be encouraged to participate in the maintenance program approval process. A written concurrence with the FAA approval should be requested to ensure the FCAA understands and does not object to the maintenance program as approved by the FAA.

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SECTION 2 PROCEDURES

1. PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites:

- Knowledge of the regulatory requirements of 14 CFR parts 43, 65, and 129
- Successful completion of Airworthiness Inspector's Indoctrination Course for General Aviation and Air Carrier Inspections, or previous equivalent

B. Coordination. This task requires coordination between Airworthiness and Operations ASI's and may require coordination with the regional office and/or the appropriate FCAA and U.S. Embassy, as required.

3. REFERENCES, FORMS, AND JOB AIDS.

A. References:

- 14 CFR parts 21, 91, and 145
- AC 129-4, Maintenance Programs for U.S. Registered Aircraft Under FAR Part 129, as amended
- Volume 2, chapter 163
- International Civil Aviation Organization, Annex 6, Part 1

B. Forms. None.

C. Job Aids. None.

5. PROCEDURES.

A. Receive the Application Letter. Applications for foreign air carrier operations specifications must be made in letter form. Ensure the application includes the following:

(1) The information prescribed in Appendix A of part 129.

(2) A copy of the Department of Transportation (DOT) 402 permit or exemption.

(3) The following documents for each leased U.S.-registered aircraft operated by the applicant:

- Registration markings as required by 14 CFR part 45
- The lease agreement or a written memorandum of the terms thereof signed by both parties, if applicable

- A proposed MEL tailored to the applicant's operations and based on the FAA-approved MMEL, if applicable
- A maintenance program that satisfies the requirements of § 129.14
- Application for special purpose flight airman certificates, if applicable

B. Verify the Approval of Operations Specifications.

Ensure that the operations specifications have been approved by an Operations ASI before proceeding with approval of the maintenance program.

C. Evaluate the Maintenance Program.

(1) Determine which of the operator's manuals or portions of them (pages, sections, and chapters) require specific FAA approval.

(2) Ensure that all applicable items found in AC 129-4, paragraphs 7 - 16, are included in the operator's maintenance program.

D. Evaluate the MEL. If an operator applies for an MEL, ensure that an MMEL exists for that aircraft.

E. Evaluate a U.S. Operator's Aircraft Maintenance Program and MEL for Use By a Foreign Operator. For leased aircraft maintained under an adopted maintenance program and an adopted MEL ensure the following:

- The foreign operator is capable of meeting the requirements of the lessor's adopted maintenance program
- The foreign operator is capable of meeting the maintenance and operational requirements of the lessor's MEL

F. Inform the Operator of Notification Requirements.

Instruct the operator to send notification of any changes or revisions to its maintenance program to the district office with responsibility for the maintenance program.

G. Evaluate Revisions to an Approved Maintenance Program. Evaluate revisions to the maintenance program as in the original approval. All revisions will be approved in accordance with procedures provided in the maintenance program.

7. TASK OUTCOMES.

A. File PTRS Data Sheet.

B. Completion of this task will result in one of the following:

(1) *Approval of the Application.* If the applicant meets the operating and maintenance requirements of parts 43, 91, and 129, accomplish the following, as applicable:

(a) Issue the maintenance program approval.

(b) Coordinate with the Principal Operations Inspector (POI) to confirm issuance of the MEL LOA.

(2) *Disapproval of the Application.* Accomplish the following:

(a) Inform the applicant in writing of any deficiencies or omissions requiring corrective actions.

(b) If deficiencies cannot be satisfactorily resolved, terminate the application process, and return the application and associated data to the applicant with a letter describing the reasons for the termination.

(c) Notify the regional office before returning or rejecting an application of a foreign air carrier.

C. Document Task. File any supporting paperwork in the operator's office file.

9. FUTURE ACTIVITIES. Normal surveillance.